



Mr. Doug Smith  
President, Board of Trustees  
Los Altos School District  
201 Covington Road  
Los Altos, CA 94024

September 9, 2013

Dear Doug:

Your letter dated September 7, 2013 [erroneously dated August 16, 2013] refers.

I write to ask you and the LASD Board of Trustees ("LASD Board"), once again, to work with us and follow through on our respective promises to negotiate in good faith to resolve the short-term facilities issues facing Bullis Charter School at its Egan and Blach campuses. We have completed the first two meetings of our short-term/long-term meeting series on August 27 and 29, respectively, and the BCS Board has responded to the information requested by Trustees Goines and Taglio during those two meetings. The LASD Board now has more than adequate information to make a decision about removing the Facilities Use Agreement ("FUA") language regarding grade level restrictions on the Bullis Center for Innovation (BCI) campus at Blach and enrollment caps at both the Egan and Blach campuses.

We are now entering the third full week of classes. BCS parents and staff arrive each morning in fear that they and their children/students may yet again be unlawfully locked-out of their school by LASD. Trustees Taglio and Goines were unwilling to provide certainty at our August 29 public meeting that the facilities the District has provided are in fact available to be used by BCS to run its integrated educational program without repeated District disruption. Given the strong interest of your constituents, other community members and numerous state, county and town officials that this issue get quickly resolved, we are prevailing upon you and the rest of the LASD Board to move quickly to let children learn.

We understand that the LASD Board is scheduled to meet tonight. We are convinced that there are no new or significant CEQA impacts created by our integrated K-8 program operating at Egan and Blach, and we believe your consultant's ongoing daily counts of BCS children supports our observation. There is no evidence to support LASD's view that CEQA "adverse impacts" are created because a child chooses to attend a charter school instead of a district-run school. And importantly, the LASD Board's perceived need to impose grade-level restrictions and cap the presence of charter-enrolled as opposed to district-enrolled students has no basis in CEQA, or even the facts on the ground at the sites. LASD's view is unheard of among school districts around the state. But assuming solely for the sake of a quick peaceful resolution that there

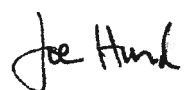
may be some real, new and significant adverse impact to the environment actually created by the LASD Board's decision to place BCS at Egan and Blach, we suggest that you accurately identify and quantify those impacts. You now have real data based upon your own consultant's ongoing head and car counts. In the unlikely event that any new and significant impact actually exists and cannot be mitigated through staggered start times, drop offs, etc., the LASD Board can adopt a CEQA Statement of Overriding Considerations ("SOC") as part of its consideration. You will thereby eliminate any question concerning real or perceived "adverse impacts" caused by the presence of charter students at either one or both of the sites. SOC's for school projects are neither novel nor unique. As you are aware, an SOC is a factual finding that a school board's obligation to serve the needs of students can override environmental impacts created by providing public schools, since all public school children – especially those who live within LASD – have a right to access public schools. We do not think there really are any such impacts, but you may adopt an SOC if you make that determination.

With respect to the long-term meetings scheduled to start tomorrow evening, you have asked to be connected with the BCS Board Members who will represent the BCS Board at those meetings. Member Francis La Poll and Member Peter Evans will be representing the BCS Board. In the absence of an agenda for the Tuesday meeting, and given our stated desire to provide the community with 72 hours notice given the intense interest in this issue, I suggest that the first long-term meeting start on Thursday, September 12, 2013 at 7:00 pm at the Los Altos Hills City Hall. Given that the LASD Board is meeting tonight, moving the first long-term meeting should give your board more than enough time to draft relevant language resolving the short-term grade level restrictions, enrollment cap concerns, and outdoor play space issues at the BCI at Blach and Egan campuses, and communicate this to the BCS Board and staff. Assuming resolution of the short-term issues, we fully expect that the BCS Board will be participating in the long-term talks beginning on September 12. If, after tonight's meeting, the LASD Board feels that it needs even more time to address and resolve the short-term issues, please let us know and we can adjust the first day of the long-term meetings accordingly.

In your letter, you mentioned that "if it is helpful, the District is prepared to draft a document that lays out our suggests [sic] of what we can do to meet the BCS short term asks as well as some suggesting [sic] on the longer term items." It is helpful, and we would be happy to review any language that you would like to provide. We think that agreeing the language on both sides is a great first step, and a positive demonstration of good faith. Given the start of the school year and the urgency of the situation, we agree with you that resolving the short term issues and better understanding the longer term items is an excellent use of the two boards' time, before we discuss longer-term issues in person.

We look forward to hearing the results of your Monday board meeting, and to receiving your suggested draft language to resolve the short-term facilities issues.

Thank you,

A handwritten signature in black ink that reads "Joe Hurd". The signature is written in a cursive style with a large, stylized "J" and "H".

Joe Hurd  
BCS Board Member



## 2013-14 BCS Facilities Use Information Requested by LASD

### **Student Loading at BCS at Egan**

#### Decreased Traffic Impact from Rotation:

- Students will rotate in multi-grade groupings onto the BCI at Blach facility for multi-week periods (information submitted to LASD on August 29), thereby decreasing the total number of students at the Egan campus.

Maximum BCS at Egan School Day Loading will be 563 total K-8 students (except for schoolwide assembly days described below).

#### **Regular Start and End Time Loading**

| <b>Start Time</b>        | <b>Average Number of Students</b> |
|--------------------------|-----------------------------------|
| <b>7:45 AM or before</b> | <b>50 1-8 graders</b>             |
| <b>8:00 AM</b>           | <b>200 1-8 graders</b>            |
| <b>8:15 AM</b>           | <b>45 K</b>                       |
| <b>8:35 AM</b>           | <b>160 1-8 graders</b>            |
| <b>11:25 AM</b>          | <b>45 K</b>                       |

#### **End Times**

Egan's School Day ends at 2:54 PM. No Students at BCS at Egan end between 2:39 PM and 3:09 PM (within 15 minutes of Egan).

BCS at Egan students have staggered end times with the final end time being 4:45 PM.

#### **School-wide Assembly Days**

BCS plans to have occasional all-school events at the Egan site. Such events will occur on no more than eight days during each calendar month.